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EXAMINER

NASH, LASHANYA RENEE

ART UNIT

PAPER NUMBER

2492

NOTIFICATION DATE

DELIVERY MODE

03/04/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/687,210	<b>Applicant(s)</b> HUBBARD ET AL.	
	<b>Examiner</b> LASHANYA R. NASH	<b>Art Unit</b> 2492	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/10, 9/20/10</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This Office action is in response to the amendment filed 20 September 2010. Claims 1-28 are cancelled. Claims 29-54 are currently amended. Claims 29-54 are presented for further consideration.

### ***Response to Arguments***

The objection to the specification is withdrawn.

The rejection of claims 43-48 under 35 USC § 101 are maintained, as discussed in detail below.

Applicant's arguments filed 20 September 2010 have been fully considered but they are not persuasive.

In considering Applicant's arguments the following remarks are noted:

(I) Applicant contends that Biorge does not disclose "provide an inventive to one or more remote distributed devices to provide environmental data and/or location data received from the at least one sensor coupled to the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor".

(II) Applicant contends that Biorge does not disclose “receive the environmental data and/or the location data from at least one of the one or more remote distributed devices that have accepted the incentive”.

In considering (I), Applicant contends that Biorge does not disclose "provide an incentive to one or more remote distributed devices to provide environmental data and/or location data received from the at least one sensor coupled to the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor". Examiner respectfully disagrees. Examiner asserts that Biorge expressly discloses that an incentive is provided to the one or more remote distributed devices. Biorge discloses that the incentive amount is transmitted to the customer device (column 6, lines 32-36). This calculated incentive amount that is sent to the customer device is construed as the claimed provided incentive, as the particular incentive amount received by the customer device is directly associated to the actual incentive that is redeemed by the customer (column 6, lines 56-67). Therefore, Examiner maintains the rejections of the claim as the combination of Smith and Biorge teaches inter alia “a server to provide an incentive to one or more remote distributed devices to provide environmental data and/or location data received from the at least one sensor coupled to the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor”, as set forth below in the Office action.

In considering (II), Applicant contends that Biorge does not disclose “receive the environmental data and/or the location data from at least one of the one or more remote distributed devices that have accepted the incentive”. Examiner respectfully disagrees. Examiner asserts that Biorge expressly discloses one or more distributed devices that have accepted the incentive. Biorge discloses that the customer accepts and selects the incentives in which to participate (column 6, lines 4-11). Therefore, Examiner maintains the rejections of the claim as the combination of Smith and Biorge teaches inter alia “receive the environmental data and/or the location data from at least one of the one or more remote distributed devices that have accepted the incentive”, as set forth below in the Office action.

Similarly arguments regarding independent claims 43, 49 and 54 are addressed using a rationale similar to the notions asserted discussed in addressing (I) and (II) above.

Similarly dependent claims 30-36, 38-42, 44-48 and 50-53 are rejected due to a similar rationale as discussed above in addressing (I) and (II).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim elements: “means for identifying”; “means for providing”; and “means for receiving” are means (or step) plus function limitations that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function.

For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 43-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to claims 43-48, Examiner notes that although Applicant's specification discloses computer system (i.e. personal computers, internet appliances, notebooks, etc.) the disclosure does not limit the scope of the claims exclusively to non-transitory forms of media. Thus, Examiner applies the broadest reasonable interpretation to the claimed "a tangible computer-readable medium" and considers the claims to intend to cover both transitory and non-transitory media. As a result, the transitory media (i.e. propagating signal) which is not patentable subject matter causes the claims to be rejected under 35 USC §101, as non-statutory.

This rejection can be overcome by amending the claims to recite a "non-transitory" computer-readable storage medium.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 29-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent 6,611,686) and Biorge (US Patent 5,806,045), hereinafter referred to as Smith and Biorge respectively.**

In reference to claim 29, Smith discloses a tracking control and logistics system employing remotely located sensors via a network (abstract). Smith further discloses:

- A server system (server; Figure 3-item 104) configured to:
- one or more remote distributed devices (i.e. monitor devices; column 5, lines 35-51; Figure 3-items 10) to provide environmental data ( i.e. temperature data; abstract; column 7, lines 9-13) and location data corresponding to the one or more remote distributed devices (i.e. location data of monitoring device; column 9, lines 61-65) ) received from at least one sensor coupled to the one or more remote distributed devices (i.e. input ports of monitoring device connected to sensors; column 6, lines 60-column 7, line 4; column 10, lines 20-28) ; and
- receive the environmental data and the location data from the one or more remote distributed devices (i.e. server receives tracking data from the monitor units; column 13, lines 38-42).

However the reference fails to disclose provide an incentive to one or more remote distributed devices to provide environmental data and location data received from at least one sensor coupled the one or more remote distributed devices, wherein the incentive that is based at least in part on a type of the at least one sensor; and receiving data from one or more of the distributed devices that have accepted the incentive. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Biorge.



In an analogous art, Biorge discloses a system for allocating and redeeming incentivized credits for devices (abstract). Biorge further discloses to provide an incentive to one or more remote distributed devices (i.e. send incentive to customer device; column 6, lines 32-36) to provide environmental data and location data received from at least one sensor coupled the one or more remote distributed devices (i.e. incentives for user devices to be involved in transactions; column 5, lines 20-33), wherein providing an incentive that is based at least in part on a type of the at least one sensor (i.e. incentives based on incentive code and customer device identification for a particular device; column 5, lines 50-62; column 8, lines 15-30); and receiving data from one or more of the distributed devices that have accepted the incentive (column 6, lines 4-11). One of ordinary skills in the art at the time of the invention would have been motivated to modify the server of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system by continued user (i.e. future use; Biorge; column 1, lines 25-37).

In reference to claim 37, Smith discloses a tracking control and logistics method for employing remotely located sensors via a network (abstract). Smith further discloses:

- A method comprising:
- One or more server systems (server; Figure 3-item 104);
- the one or more remote distributed devices (i.e. monitor devices; column 5, lines 35-51; Figure 3-items 10) to provide environmental data corresponding to a

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sensed environmental condition( i.e. temperature data; abstract; column 7, lines 9-13) sensed by at least on sensor (i.e. input ports of monitoring device connected to sensors; column 6, lines 60-column 7, line 4; column 10, lines 20-28), and location data corresponding to a location of the one or more remote distributed devices by the one or more server systems devices (i.e. location data of monitoring device; column 9, lines 61-65);

- receiving the environmental data and/or the location data from at least one of the one or more remote distributed devices (i.e. server receives tracking data from the monitor units; column 13, lines 38-42).

However the reference fails to disclose provide an incentive to one or more remote distributed devices to provide environmental data and location data received from at least one sensor coupled the one or more remote distributed devices, wherein the incentive that is based at least in part on a type of the at least one sensor; and receiving data from one or more of the distributed devices that have accepted the incentive. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Biorge.

In an analogous art, Biorge discloses a system for allocating and redeeming incentivized credits for devices (abstract). Biorge further discloses to provide an incentive to one or more remote distributed devices (i.e. send incentive to customer device; column 6, lines 32-36) to provide environmental data and location data received from at least one sensor coupled the one or more remote distributed devices (i.e.

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incentives for user devices to be involved in transactions; column 5, lines 20-33), wherein providing an incentive that is based at least in part on a type of the at least one sensor (i.e. incentives based on incentive code and customer device identification for a particular device; column 5, lines 50-62; column 8, lines 15-30); and receiving data from one or more of the distributed devices that have accepted the incentive (column 6, lines 4-11). One of ordinary skills in the art at the time of the invention would have been motivated to modify the server of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system by continued user (i.e. future use; Biorge; column 1, lines 25-37).

In reference to claim 43, Smith discloses a computer-readable medium comprising programming for implementing tracking control and logistics method for employing remotely located sensors via a network (abstract; Figure 5). Smith further discloses:

- A computer-readable storage medium having instructions stored thereon, that in response to the execution, perform operation(i.e. programming of monitoring unit; column 8, lines 48-54), comprising:
- Providing to a remote distributed device (i.e. monitor devices; column 5, lines 35-51; Figure 3-items 10) to join (i.e. command certain monitoring units; column 13, lines 17-25) a sensor based distributing processing device (i.e. command certain monitoring units to for a monitored system; column 13, lines 17-25) coupling one or more environmental sensors (i.e. input ports of monitoring device

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connected to sensors; column 6, lines 60-column 7, line 4; column 10, lines 20-28) to the remote distributed device (column 5, lines 35-51);

- Receiving a measurement of at least one environmental condition from the one or more remote environmental sensors coupled to the remote distributed device (i.e. sensors of monitoring devices detect temperature data; column 6, lines 60-column 7, line 13).

However the reference fails to disclose instructions to provide a beneficial incentive to join a sensor based distributed processing system, wherein the instructions cause the sensor based distributed processing system to be formed by coupling one or more remote environmental sensors to a remote distributed device, the beneficial incentive being based at least in part on a type of the one or more remote environmental sensors; and the receiving data after the remote distribution device has accepted the beneficial incentive. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Biorge.

In an analogous art, Biorge discloses a system for allocating and redeeming incentivized credits for devices (abstract). Biorge further discloses providing a beneficial incentive (i.e. sending incentive to the customer device; column 6, lines 32-36) to join a sensor based distributed processing system (i.e. incentive system; Figure 3), wherein the instructions cause the sensor based distributed processing system to be formed by coupling one or more remote environmental sensors to a remote distributed device (i.e. customer device in communication with the provider device to exchange information;

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column 7, line 65-column 8, line 5), (i.e. incentives for user devices to be involved in transactions; column 5, lines 20-33), the beneficial incentive being based at least in part on a type of the one or more remote environmental sensors (i.e. incentives based on incentive code and customer device identification for a particular device; column 5, lines 50-62; column 8, lines 15-30); and the receiving data after the remote distribution device has accepted the beneficial incentive (column 6, lines 4-11). One of ordinary skills in the art at the time of the invention would have been motivated to modify the server of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system by continued user (i.e. future use; Biorge; column 1, lines 25-37).

In reference to claim 49, Smith discloses a tracking control and logistics method for employing remotely located sensors via a network (abstract). Smith further discloses:

- A method comprising:
- identifying, by one or more server systems (server identifies the monitoring devices; column 13, lines 25-30), one or more remote distributed devices (i.e. monitoring device identification number; column 13, lines 30-38) configured to sense a condition (i.e. sensors of monitoring devices detect temperature data; column 6, lines 60-column 7, line 13) ;
- incorporation of the one or more remote distributed devices into the distributed computing platform to provide data corresponding to a sensed condition (i.e. location data of monitoring device; column 9, lines 61-65), being based, at least

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in part, upon one or more capabilities associated with the one or more remote distributed devices (i.e. actions based on capabilities of the monitoring device; column 7, lines 4-33);

- receiving, by the one or more server systems, data from the remote distributed devices by that have been incorporated into the distributed computing platform (i.e. server receives tracking data from the monitor units; column 13, lines 38-42); and

However the reference fails to disclose identifying, by the one or more servers, one or more capabilities associated with the one or more remote distributed devices; and providing an incentive, by the one or more server systems, to the one or more remote distributed devices to join a distributed computing platform to provide data corresponding to a sensed condition, the incentivizing being based, at least in part, upon one or more capabilities associated with the one or more remote distributed devices; and receiving data from at least one of the one or more distributed devices that have accepted the incentive to join. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Biorge.

In an analogous art, Biorge discloses a system for allocating and redeeming incentivized credits for devices (abstract). Biorge further discloses identifying, by the one or more servers, one or more capabilities associated with the one or more remote distributed devices (i.e. device information to the base processor; column 11, lines 40-50); and providing an incentive, (column 6, lines 32-36), by the one or more server

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systems, incorporation of the one or more remote distributed devices into a distributed computing platform (i.e. incentivizing system; Figure 3) to provide data corresponding to a sensed condition (i.e. customer device in communication with the provider device to exchange information; column 7, line 65-column 8, line 5), (i.e. incentives for user devices to be involved in transactions; column 5, lines 20-33), the incentivizing being based, at least in part, upon the one or more capabilities associated with the one or more remote distributed devices (i.e. incentives based on incentive code and customer device identification for a particular device; column 5, lines 50-62; column 8, lines 15-30); and receiving data from at least one of the one or more distributed devices that have accepted the incentive to join (column 6, lines 4-11). One of ordinary skills in the art at the time of the invention would have been motivated to modify the server of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system by continued user (i.e. future use; Biorge; column 1, lines 25-37).

In reference to claim 54, Smith discloses a tracking control and logistics method for employing remotely located sensors via a network (abstract). Smith further discloses:

- A system comprising:
- A means for identifying (i.e. server; Figure 3-item 104), by one or more server systems (server identifies the monitoring devices; column 13, lines 25-30), one or more remote distributed devices (i.e. monitoring device identification number; column 13, lines 30-38) configured to sense a condition (i.e. sensors of

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monitoring devices detect temperature data; column 6, lines 60-column 7, line 13) ;

- Means for incorporation (i.e. server; Figure 3-item 104) of the one or more remote distributed devices into the distributed computing platform to provide data corresponding to a sensed condition (i.e. location data of monitoring device; column 9, lines 61-65), being based, at least in part, upon one or more capabilities associated with the one or more remote distributed devices (i.e. actions based on capabilities of the monitoring device; column 7, lines 4-33);
- Means for receiving (i.e. server; Figure 3-item 104), by the one or more server systems, data from the remote distributed devices by that have been incorporated into the distributed computing platform (i.e. server receives tracking data from the monitor units; column 13, lines 38-42); and

However the reference fails to disclose identifying, by the one or more servers, one or more capabilities associated with the one or more remote distributed devices; and providing an incentive, by the one or more server systems, to the one or more remote distributed devices to join a distributed computing platform to provide data corresponding to a sensed condition, the incentivizing being based, at least in part, upon one or more capabilities associated with the one or more remote distributed devices; and receiving data from at least one of the one or more distributed devices that have accepted the incentive to join. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Biorge.



In an analogous art, Biorge discloses a system for allocating and redeeming incentivized credits for devices (abstract). Biorge further discloses identifying, by the one or more servers, one or more capabilities associated with the one or more remote distributed devices (i.e. device information to the base processor; column 11, lines 40-50); and providing an incentive,(column 6, lines 32-36), by the one or more server systems, incorporation of the one or more remote distributed devices into a distributed computing platform (i.e. incentivizing system; Figure 3) to provide data corresponding to a sensed condition (i.e. customer device in communication with the provider device to exchange information; column 7, line 65-column 8, line 5), (i.e. incentives for user devices to be involved in transactions; column 5, lines 20-33), the incentivizing being based, at least in part, upon the one or more capabilities associated with the one or more remote distributed devices (i.e. incentives based on incentive code and customer device identification for a particular device; column 5, lines 50-62; column 8, lines 15-30); and receiving data from at least one of the one or more distributed devices that have accepted the incentive to join (column 6, lines 4-11). One of ordinary skills in the art at the time of the invention would have been motivated to modify the server of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system by continued user (i.e. future use; Biorge; column 1, lines 25-37).

In reference to claims 30, 38 and 46 Smith discloses wherein the one or more remote distributed devices are configured to sense an environmental condition with at least one

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environmental sensor, the environmental sensor comprising one or more of a biometrics detection sensor, an early warning sensor, a network intrusion sensor, a radio frequency identification sensors, or a system security sensor (column 7, lines 1-22).

In reference to claims 31, 39 and 45 Smith discloses wherein the environmental data comprises one or more of temperature data, humidity data, video data, or identification parameter data (column 7, lines 1-22).

In reference to claims 32 and 40 Smith discloses, wherein the location data comprises one or more of Global Positioning System coordinates, an address, or a network address (column 9, lines 60-65).

In reference to claims 33, 41 and 44 Biorge discloses wherein to incentivize comprises supplying the one or more remote distributed devices with one or more of a sweepstakes entry, a monetary reward, a non-monetary reward, a connectivity service, internet access, domain name hosting, or an E-mail account (column 3, lines 13-21).

In reference to claim 34, Biorge discloses wherein the server system is further configured to select one or more remote distributed devices based in part on a location of the one or more remote distributed devices and/or the at least one environmental sensor (column 5, lines 50-61).

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In reference to claims 35, 42 and 47 Smith discloses wherein the server system is further configured to store the environmental data and the location data based in part on an identifier associated with the one or more remote distributed devices and/or the at least one environmental sensor (column 13, lines 35-42).

In reference to claim 36, Smith wherein the server system is further configured to transfer the environmental data and the location data to a customer system (column 13, lines 42-50).

In reference to claim 38, Smith discloses further comprising instructions to wirelessly receive data from the one or more environmental sensors (column 5, lines 50-55).

In reference to claim 51, Smith shows the method of claim 49, wherein the one or more capabilities comprise capabilities associated with an ability to provide infrastructure support for one or more sensors (i.e. data reporting, logging, and collection capabilities of the monitoring device; column 7, lines 14-45).

In reference to claim 52, Smith shows the method of claim 49, wherein the one or more capabilities comprise capabilities associated with an ability to provide infrastructure support for sensors comprising one or more of power sensors, communication services sensors, recording sensors, or data logging services sensors (column 7, lines 14-45).

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In reference to claim 53, Smith shows the method of claim 49, wherein the one or more capabilities comprise capabilities associated with storage capabilities of the one or more remote distributed devices (column 7, lines 14-45).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHANYA R. NASH whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShanya R Nash/  
Examiner, Art Unit 2492  
February 27, 2011

/JOSEPH THOMAS/  
Supervisory Patent Examiner, Art Unit 2492